

United States District Court
Eastern District of Michigan

THEODORA R. BROWN,

Case Number 06-1193

Plaintiff(s),

District Judge JOHN CORBETT
O'MEARA

v.

Magistrate Judge MORGAN

DTE,

Defendant(s).

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**ORDER DENYING PLAINTIFF'S APPLICATION
FOR APPOINTMENT OF COUNSEL WITHOUT PREJUDICE**

The plaintiff has filed an application for appointment of counsel. "Appointment of counsel in a civil case is not a constitutional right." Mekdeci v Merrell National Laboratories, 711 F.2d 1510, 1522 (11th Cir. 1983). "It is a privilege that is justified only by exceptional circumstances." Lopez v Reyes, 692 F.2d 15, 17 (5th Cir. 1982). Wahl v McIver, 733 F.2d 1169, 1174 (11th Cir. 1985). In determining whether "exceptional circumstances" exist, courts have examined "the type of case and the abilities of the plaintiff to represent himself." Archie v Christian, 812 F.2d 250, 253 (5th Cir. 1987); see also Poindexter v FBI, 737 F.2d 1173, 1185 (D.C. Cir. 1984). This generally involves a determination of the "complexity of the factual and legal issues involved." Cookish v Cunningham, 787 F.2d 1,3 (1st Cir. 1986).

At this point in time, based upon the fillings in this case, this court is unable to determine whether or not the plaintiff has the capability to represent herself, and to the

complexity of the factual and legal issues involved.

Therefore, plaintiff's application for appointment of counsel is **DENIED WITHOUT PREJUDICE.**

s/John Corbett O'Meara

John Corbett O'Meara

United States District Judge

Dated: March 27, 2006

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